

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ROBERT SAMUELS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THE PENNSYLVANIA STATE UNIVERSITY, BIG TEN CONFERENCE, and THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION,

Defendants.

Case No.: 16-cv-05270

Honorable Jorge L. Alonso

JOINT MOTION TO REASSIGN

Pursuant to Local Civil Rule 40.3(b)(6) and this Court’s Case Management Order No. 1 (Dkt. 15), Plaintiff Robert Samuels (“Plaintiff”) and Defendants Big Ten Conference (“Big Ten”) and the National Collegiate Athletic Associate (“NCAA”) (collectively, the “Parties”) respectfully request that this matter (the “*Samuels* action”) be reassigned as a tag-along action to the consolidated MDL proceedings pending before this Court. In support of this motion, the Parties state as follows:

1. In December 2013, the Judicial Panel on Multi District Litigation began transferring concussion class actions filed against the National Collegiate Athletic Association (“NCAA”) to this Court.
2. Shortly thereafter, the Court entered its Case Management Order No. 1 in this multidistrict litigation (“MDL”), which “applies to all related cases filed in all divisions of the Northern District of Illinois. (Dkt. 15 ¶ 1.)

3. The Order further states that any “‘tag-along actions’ . . . directly filed in the Northern District of Illinois, will automatically be consolidated with [the MDL] without the necessity of future motions or orders.” (*Id.* ¶ 2.)

4. The *Samuels* action was filed directly in the Northern District of Illinois and shares common issues with the seven tag-along cases transferred to this Court by the JPML in July 2016 (in addition to those cases the JPML previously transferred and consolidated before this Court). As such, the Parties agree that the *Samuels* action is a tag-along action as contemplated by Local Rule 40.3(b)(6) and Case Management Order No. 1 and, therefore, should be reassigned to this Court. See N.D. Ill. L.R. 40.3(b)(6) (“Where a civil case is filed as a potential tag-along action to a multidistrict litigation (“MDL”) proceeding pending in the district, it shall be assigned directly to the judge handling the MDL proceeding.”); see also Dkt. 15 at 1-2.

5. The Parties originally moved Judge Alonso—before whom the *Samuels* action is presently proceeding—to reassign the case. However, Judge Alonso instructed the Parties to file their motion for reassignment directly in the master docket for the MDL.¹

WHEREFORE, the Parties respectfully request that the *Samuels v. Pennsylvania State University, et al.* matter be reassigned to the consolidated MDL proceedings pending before this Court, along with whatever other relief the Court deems appropriate.

¹ Motions to reassign the two other tagalong actions pending in the Northern District of Illinois were filed in their originating courts. In response, Judge Coleman granted a joint motion to reassign in *Strinko v. Big Ten Conference et al.*, No. 16-cv-05988, dkt. 17 (N.D. Ill. Aug. 8, 2016), and, on August 18, 2016, Judge Guzman indicated he would—in a forthcoming order—also grant a motion to reassign in *Griffin v. Big Ten Conference et al.*, No. 16-cv-05986, dkt. 24 (N.D. Ill. Aug. 18, 2016).

Dated: August 19, 2016

Respectfully submitted,

ROBERT SAMUELS, individually and on behalf
of all others similarly situated,

By: /s/ Benjamin S. Thomassen
One of Plaintiffs' Attorneys

Jay Edelson
jedelson@edelson.com
Rafey S. Balabanian
rbalabanian@edelson.com
Benjamin H. Richman
brichman@edelson.com
Benjamin S. Thomassen
bthomassen@edelson.com
J. Dominick Larry
nlarry@edelson.com
EDELSON PC
350 North LaSalle Street, 13th Floor
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Attorneys for Plaintiffs and the Putative Class

BIG TEN CONFERENCE

By: /s/ Daniel Leslie Ring
Counsel for Defendant Big Ten Conference

Andrew S. Rosenman
arosenman@mayerbrown.com
Daniel Leslie Ring
dring@mayerbrown.com
Michael Allen Olsen
courtnotification@mayerbrown.com
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION**

By: /s/ Mark Steven Mester
Counsel for Defendant National Collegiate
Athletic Association

Mark Steven Mester
mark.mester@lw.com
Johanna Margaret Spellman
johanna.spellman@lw.com
Latham & Watkins LLP
330 N. Wabash Avenue
Suite 2800
Chicago, Illinois 60611
(312) 876-7700

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2016, I caused a true and correct copy of the foregoing JOINT MOTION TO REASSIGN to be served through ECF notification upon all attorneys of record, and further served such papers via email to the following individuals:

Andrew S. Rosenman
arosenman@mayerbrown.com
Daniel Leslie Ring
dring@mayerbrown.com
Michael Allen Olsen
courtnotification@mayerbrown.com
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600

Mark Steven Mester
mark.mester@lw.com
Johanna Margaret Spellman
johanna.spellman@lw.com
Latham & Watkins LLP
330 N. Wabash Avenue
Suite 2800
Chicago, Illinois 60611
(312) 876-7700

/s/ Benjamin S. Thomassen